

U.S. Department of Justice
Executive Office for Immigration Review
United States Immigration Court

Matter of

File A 91 182 333

BIOCINI, ANA BEATRIZ

) In REMOVAL Proceedings

Respondent)

Transcript of Hearing

Before ANTHONY S. MURRY, Immigration Judge

Date: May 16, 2005

Place: Dublin, California

Transcribed by FREE STATE REPORTING, INC., at Annapolis, Maryland

Official Interpreter:

Language: Spanish

Appearances:

For the Department of
Homeland Security:

Jason B. Aguilar

For the Respondent:

Pro se

1 JUDGE FOR THE RECORD

2 This is Immigration Judge Anthony Murry, in Federal
3 Correctional Institute, in Dublin, California. Today is May
4 16th, 2005. We're conducting removal proceedings in the matter
5 of Ana Beatriz Biocini, A 91 182 333. Respondent is present, in
6 custody, she is pro se. Government's represented by Assistant
7 Chief Counsel, Jason Aguilar.

8 JUDGE TO MS. BIOCINI

9 Q. Ma'am, is your true name Ana Beatriz Biocini?

10 A. Um-hum. Yes, it is.

11 Q. Ms. Biocini, do you swear any testimony you give us
12 will be the full and complete truth?

13 A. Yes. All will be true. Yeah.

14 Q. Wait for the interpreter to translate into Spanish and,
15 and please answer in Spanish.

16 A. In Spanish? Okay. In Spanish?

17 Q. Spanish.

18 A. Then all right.

19 Q. Yeah, Spanish, please. Okay. Ma'am, I've got your
20 application for asylum on file. I want to give you an advisal
21 about that. If you knowingly make false statements in an asylum
22 application there are severe consequences. And --

23 A. I do know.

24 Q. -- and if I find that you knowingly made false
25 statements in an asylum application, you could be barred from

1 Immigration benefits in the U.S. for the rest of your life. I'm
2 not suggesting you did that, that's just a warning I'm required
3 to give you. Is everything in your application true and correct
4 to the best of your knowledge?

5 A. Yes, true. Everything is true.

6 Q. Okay. In Spanish.

7 A. Yes, everything is true.

8 Q. All right.

9 A. I want to say something.

10 Q. Yes, ma'am.

11 A. Okay. (untranslated) to, to meet the deadline in
12 Court, but I didn't have to, to bonus legal application ready
13 here and also I would like to forward this to the Court --

14 Q. Spanish. Are you more comfortable in English, ma'am?

15 A. At this point, yes.

16 Q. English?

17 A. Sí. Yes.

18 Q. Okay. All right. Let's try English. If you're having
19 trouble with English, let us know, we'll go back to Spanish.

20 A. Okay.

21 Q. Go ahead (indiscernible).

22 A. And Your Honor, I, I was, you know, I was handwriting
23 my withholding application --

24 Q. Yes.

25 A. -- to, to meet the deadlines in Court, which it has to

1 be ten days before the hearing. So that application, I make
2 it -- that myself.

3 Q. Yes.

4 A. But I need help, at pro bonus legal service people help
5 me to, to file this application, but for some reason it didn't
6 come on, on time. And I would like also to forward this -- these
7 papers to the Court and have the three copies, one to the
8 Government and one, you know, everything and clear to, to, to
9 cause more -- a legal point, you point to this paper. Here is
10 the application and I have -- I made all these three copies of
11 everything.

12 Q. Okay.

13 A. So I'm more clear to, to the Court and --

14 Q. It's -- and it's fine.

15 A. And --

16 Q. (indiscernible).

17 A. -- and you know, it's, it's helping more professional
18 because, you know, I did type that, it's in place, you know.

19 And --

20 Q. (indiscernible). All right.

21 A. (indiscernible) --

22 Q. Do you --

23 A. --- do you know that, so I trying to make the, the
24 deadline in Court, ten days before hearing, so I was rushing
25 Saturday.

1 Q. That's quite all right.

2 A. (indiscernible). Okay.

3 Q. I'm going to give one set of documents back to you.

4 A. Oh, the -- okay. This back to me?

5 Q. Yeah.

6 A. Okay.

7 Q. That's a copy for yourself. The Government has a copy.

8 A. Okay.

9 Q. And I will make these documents you've given me part of
10 the record, as, as well.

11 A. Okay.

12 Q. Okay. Now what we're going to need to do --

13 A. Yes, sir.

14 Q. -- is set aside time for an individual hearing --

15 A. Uh-huh.

16 Q. -- for you.

17 A. Uh-huh.

18 Q. And let us do that.

19 JUDGE FOR THE RECORD

20 Let's go off the record for scheduling.

21 (OFF THE RECORD)

22 (ON THE RECORD)

23 JUDGE FOR THE RECORD

24 Back on the record. Okay. We're going to put this matter
25 over for an individual hearing to September 19, 2005 at 1

1 o'clock.

2 JUDGE TO MS. BIOCINI

3 Q. Now, Ms. Biocini, let me just talk to you about a
4 couple of things. The Government says that you've been convicted
5 of what's called an aggravated felony.

6 A. Yeah.

7 Q. And you know, that means you're ineligible for asylum.
8 You are still eligible, I believe, for withholding of removal and
9 protection under the Convention against Torture. Now forgive me
10 if I'm going over ground that you've already talked to people
11 about. I just want to make sure you understand what you need to
12 do at the individual hearing. You have to show, and I'll ask you
13 questions, the attorney for the Government will ask you questions
14 and we'll let you make any statement that you need to make. But
15 essentially, at that hearing the burden of proof is on you to
16 show, through your testimony and your documents, that it is more
17 likely than not that if you went back to Colombia you would be
18 harmed either by the government of Colombia or people that the
19 government of Colombia is unable or unwilling to control. And
20 furthermore, you'd have to show that these individuals would want
21 to harm you because of your race, your religion, your
22 nationality, your political opinions, or your membership in a
23 social group. All of this is contained in Section 208 of the
24 Immigration and Nationality Act and Section 241. And if you have
25 access to the Internet out here, that's going to be the easy way

1 for you to get a better grasp on what these concepts mean. But
2 essentially, you've got to show that there's a likelihood that
3 the government or some other group would harm you because of one
4 of those protected grounds. Now I don't think, and I haven't
5 looked at your application in detail yet, but I don't think race
6 or religion or nationality is what you're driving at. I think
7 you're probably driving at political opinion or some social group
8 that you can identify. But think about that, because that's what
9 my questions are going to be designed to bring out. Who would
10 harm you and why. For the Torture Convention, you have to show,
11 through your testimony, that either the government of Colombia
12 would want to subject you to torture or that other people would
13 torture you with the government's knowledge and agreement or
14 acquiescence. That the government, in other words, would know
15 that these individuals were planning to torture you and would
16 fail to do anything to prevent that. So those are the two things
17 that you're eligible for. Okay. So think about those issues
18 before you come back here, because that's what the focus of my
19 questions is going to be --

20 A. Uh-huh.

21 Q. -- you know, because that's the legal question I have
22 to decide. Okay. Let's put this over to September, that'll give
23 us plenty of time to digest the documentary evidence that you
24 filed. We come back in September, I'll have questions,
25 Government attorney will have questions and then I will try to

1 make a decision in your case that day. Okay.

2 A. Okay. Okay.

3 Q. Okay.

4 A. Okay. Your Honor, so I'm now eligible for, for a bond?

5 Q. No, ma'am. You're not eligible for bond, because

6 you've been convicted of an aggravated felony, and I don't have
7 authority to give you a bond.

8 A. Okay.

9 Q. And in any event, you, you can't go anywhere until --

10 A. Okay.

11 Q. -- March of 2006, when your time is up here at FCI,
12 Dublin. You still go to serve your --

13 A. Even if it's due -- the, the thing that I mean, because
14 I was doing the drug program and, and if, if it --

15 Q. That's, that's up to the Federal Correctional --

16 A. Oh --

17 Q. -- Institute.

18 A. -- I understand.

19 Q. I don't have any jurisdiction over that.

20 A. The detainer is, is -- see, it doesn't contain a
21 detainer, in, in fact (untranslated) is granted. See, if my
22 application is granted, the detainer is, is taken off?

23 Q. Yes.

24 A. In September, could be?

25 Q. Yes. The detainer would, would go away if your case is

1 granted.

2 A. Okay.

3 Q. You'd still have to finish your Federal time here,
4 though.

5 A. Oh, I understand.

6 Q. Okay. All right. Good. I think that's all we can do
7 today. We've got all your papers. We'll make that part of the
8 file.

9 INTERPRETER TO JUDGE

10 And I remind her, because we don't have any of the written
11 advisals for the I-589.

12 JUDGE TO INTERPRETER

13 Okay.

14 INTERPRETER TO JUDGE

15 So, so I --

16 INTERPRETER TO MS. BIOCINI

17 (untranslated).

18 MS. BIOCINI TO INTERPRETER

19 Oh, yeah. No, of course, everything is, is completely true.

20 INTERPRETER TO MS. BIOCINI

21 No, but I have to --

22 JUDGE TO INTERPRETER

23 Right.

24 INTERPRETER TO MS. BIOCINI

25 -- send you one --

1 MS. BIOCINI TO INTERPRETER

2 Oh, of course.

3 INTERPRETER TO MS. BIOCINI

4 -- by mail.

5 JUDGE TO MS. BIOCINI

6 Q. Written copy.

7 MS. BIOCINI TO INTERPRETER

8 Okay.

9 MS. BIOCINI TO JUDGE

10 The -- I believe this group that I'm talking about in my
11 application were -- was -- is in the area of the --

12 MR. AGUILAR TO JUDGE

13 (indiscernible) --

14 MS. BIOCINI TO JUDGE

15 -- you know, that --

16 MR. AGUILAR TO JUDGE

17 -- (indiscernible) --

18 MS. BIOCINI TO JUDGE

19 -- with the, you know the people that --

20 MR. AGUILAR TO JUDGE

21 -- (indiscernible) --

22 MS. BIOCINI TO JUDGE

23 -- can harm me, you know, because I was being

24 (indiscernible) assisting the Government.

25 JUDGE TO MS. BIOCINI

1 Q. That's correct.

2 A. So what, what could I, could I tell you about these
3 people?

4 Q. Well, what I've got to do is look at, once again,
5 whether they're a group of people that the government's unable or
6 unwilling to control, number one. And number two, the
7 motivation -- their motivation for harming you, and whether that
8 fits within our law as a ground for protection.

9 A. Uh-huh.

10 Q. Because not every potential harm fits within the
11 categories that, that we can use to protect people.

12 A. Uh-huh.

13 Q. So I've got to read your application carefully and see
14 and then I'm going to need testimony from you before I can make
15 that determination. So I don't know how your case is going to turn
16 out. I have not read your application yet.

17 A. Oh. You didn't have it.

18 Q. And I'm going to read that before we come back, and I
19 assure you that I will, and also take testimony and ask you
20 questions to try to further develop it. Okay. So --

21 A. Okay.

22 Q. -- we'll, we'll just have to see that.

23 A. Um-hum.

24 Q. Okay. Great. Thank you.

25 JUDGE FOR THE RECORD

1 **Hearing concluded.**

2 **MS. BIOCINI TO JUDGE**

3 **Thank you, Your Honor.**

4 **HEARING ADJOURNED**

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Executive Office for Immigration Review
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Matter of

File A 91 182 333

BIOCINI, ANA BEATRIZ

) In REMOVAL Proceedings

Respondent)

Transcript of Hearing

Before ANTHONY S. MURRY, Immigration Judge

Date: December 19, 2005

Place: Dublin, California

Transcribed by FREE STATE REPORTING, INC., at Annapolis, Maryland

Official Interpreter:

Language:

Appearances:

For the Department of
Homeland Security:

Kim E. Fallone

For the Respondent:

Via Moia
Chad Brison
Christopher Todd

1 JUDGE FOR THE RECORD

2 This is Immigration Judge Anthony Murry, Federal
3 Correctional Institution, Dublin, California. Today's December
4 19, 2005. We're conducting continued removal proceedings in A 91
5 182 333, matter of Ana, A N A --

6 JUDGE TO MS. BIOCINI

7 Q. Do you say Bioccini?

8 A. Biocini.

9 JUDGE FOR THE RECORD

10 -- Biocini, B I O C I N I. Respondent is present with
11 counsel, Via Moia (phonetic sp.), Chad Brison (phonetic sp.) and
12 Christopher Todd. Ms. Moia and Mr. Brison are with the
13 Immigration Law Clinic at the University of California - Davis,
14 being supervised by Christopher Todd, Esquire. Kim Fallone,
15 Assistant Chief Counsel on behalf of the Government. There are a
16 number of housekeeping matters we need to take care of. One, I
17 want to take care of right away, so I make sure I don't forget.
18 We've never taken pleadings in the case.

19 JUDGE TO RESPONDENT'S REPRESENTATIVES

20 How does the respondent plead to the allegations of the
21 Notice to Appear?

22 MR. TODD TO JUDGE

23 Your Honor, we will admit the factual allegations and
24 concede removability.

25 JUDGE TO MR. TODD

1 Does she wish to designate a country?

2 MR. TODD TO JUDGE

3 She does not, Your Honor.

4 JUDGE TO MR. TODD

5 All right.

6 JUDGE FOR THE RECORD

7 I'll designate Colombia as the country of removal, should
8 that become necessary.

9 JUDGE TO MR. TODD

10 Now that having been done, let me just ask one primarily
11 question, again, and make sure it does not slip my mind. Is
12 there anything, any motions, any discussion, any pending before
13 either the U.S. Attorney for the Northern District of California
14 or before Judge Brier (phonetic sp.), at the Northern District?

15 MR. TODD TO JUDGE

16 Not that we're aware of, Your Honor.

17 JUDGE TO MR. TODD

18 Let's take a moment, counsel, to just through the Exhibits
19 and make sure we're all on the same page with Exhibits.

20 MS. FALLONE TO JUDGE

21 Your Honor, prior to moving on to that, can we just put on
22 the record? I know there was one document I saw regarding
23 whether or not respondent was pursuing a S visa. Can we just put
24 on the record, that at this time it doesn't appear there's
25 anything -- there's any type of dialog between respondent and the

1 Department of Homeland Security at headquarters for pursuing that
2 visa?

3 JUDGE TO MR. TODD

4 Is that the case?

5 MR. TODD TO JUDGE

6 That's correct.

7 MR. BRISON TO JUDGE

8 That's correct.

9 JUDGE TO RESPONDENT'S REPRESENTATIVES

10 All right. All right. All right.

11 JUDGE FOR THE RECORD

12 Exhibits.

13 JUDGE TO RESPONDENT'S REPRESENTATIVES

14 And let me just also mention to counsel, I, I appreciate the
15 information that was in the submissions. I did have an
16 opportunity over the weekend to read through everything, and so I
17 do have all of that information squared away, because I, I was
18 able to read through the various declarations from the respondent
19 from the time that (indiscernible) record of what happened in
20 District Court. So let's go over Exhibits.

21 JUDGE FOR THE RECORD

22 Notice to Appear is No. 1. The asylum application, which
23 had a limited number of documents attached to it, including some
24 of the transcript of the District Court proceedings, the June 17,
25 2004 letter from Barbara Solono (phonetic sp.), plead agreements,

1 some letters regarding the psychological condition of
2 respondent's son, her passport, all those, collectively, I marked
3 as Exhibit 2. I marked as Exhibit 3, and I combined a couple of
4 the submissions, the supporting documentation beginning with tab
5 A and running through tab I dash 4. I'll mark all that
6 collectively --

7 JUDGE TO RESPONDENT'S REPRESENTATIVES

8 -- since you folks were kind of enough to tab them
9 sequentially --

10 JUDGE FOR THE RECORD

11 -- as Exhibit 3. I marked as Exhibit 4 the I-213 provided
12 by the Government today. This is all for identification. We'll
13 take objections before ruling on admission. I marked as Exhibit
14 5 the judgement from the U.S. District Court, Northern District
15 of California, in case CR95018701CRB. And I marked as Exhibit 6
16 the presentence report in that case.

17 JUDGE TO RESPONDENT'S REPRESENTATIVES AND MS. FALLONE

18 Any documents from either party?

19 MR. TODD TO JUDGE

20 Not, not at this time, Your Honor.

21 JUDGE TO MR. TODD

22 All right.

23 MS. FALLONE TO JUDGE

24 Nothing from the Government, Your Honor.

25 JUDGE TO MS. FALLONE

1 All right.

2 MS. FALLONE TO JUDGE

3 And just for the record, the Department of State country
4 conditions have been previously submitted by the respondent's
5 counsel.

6 JUDGE TO MS. FALLONE

7 Now, I know, Ms. Fallone, you mentioned before we went on
8 the record that you did not have a copy of Exhibit 3. You've
9 gotten a particle set of those documents, and yet, I gave you a
10 chance to review my copy of it. We'll get -- we can take care of
11 those documents, either before we leave today or probably at some
12 point after. We're not going to finish today, we're starting a
13 little bit early, but because you didn't have all the documents,
14 I don't know that you're going to able to cross-exam the expert
15 very effectively. Respondent's release date is not until March,
16 and so what we'll do is just setup another time with counsel to
17 call and cross-exam the expert witness and, just noting for the
18 record, the expert provided a very detailed declaration, setting
19 forth what I assume will be her direct testimony. But --

20 MR. TODD TO JUDGE

21 Your Honor, on that point, we'll -- the second expert's
22 declaration, we wrote it, he was not lined up -- he wasn't
23 available to testify today, but if he is available on the day we
24 pick we'll actually submit it.

25 JUDGE TO MR. TODD

1 Right. That'd be fine. If he's --

2 MR. TODD TO JUDGE

3 (indiscernible) --

4 MR. BRISON TO JUDGE

5 There's a declaration also.

6 JUDGE TO MR. BRISON

7 Okay. Great.

8 JUDGE TO RESPONDENT'S REPRESENTATIVES AND MS. FALLONE

9 Now I don't think there's any dispute, you folks correct me
10 if, if I'm in error, there's any dispute that respondent has been
11 convicted of an aggravated felony and that she's ineligible for
12 asylum. Is that fair? All right. We'll let's talk about
13 withholding for a moment. The respondent, in her prehearing
14 brief, set forth a claim for withholding and asserting --
15 asserted that her conviction was not a conviction for a
16 particularly serious crime. I, of course, went to the Attorney
17 General's precedent decision in Matter of Y-L-. I would be happy
18 to take her testimony -- hearing testimony if that's what counsel
19 wants to do. But let me just mention, looking at the documents
20 that they've been provided during -- in Matter of Y-L-, that the
21 Attorney General said that at a minimum, a very small quantity of
22 controlled substance needed to be involved and at a minimum
23 merely peripheral involvement by the alien and also an absence of
24 any organized crime or terrorist organization involvement, direct
25 or indirect, in relation to the offending activity. I could

1 certainly see some issues, given that respondent was convicted
2 with the offensive conviction was they, they limited it to
3 kilogram of cocaine, but the offense conduct described is much,
4 much greater than that, and so I certainly, I certainly saw some
5 issues. Certainly want to give counsel an opportunity to be
6 heard on that.

7 JUDGE TO RESPONDENT'S REPRESENTATIVES

8 Do you want to present testimony on the, on the withholding
9 issue? Because I'd like to resolve that.

10 MR. TODD TO JUDGE

11 Your Honor, we won't -- our testimony wouldn't add anything
12 that's not covered in the declaration --

13 JUDGE TO MR. TODD

14 Okay.

15 MR. TODD TO JUDGE

16 -- on that issue, as well. And there's not going to be --
17 let's go with what we have.

18 JUDGE TO MR. TODD

19 All right.

20 MR. TODD TO JUDGE

21 Direct isn't going to exceed that.

22 JUDGE TO MS. FALLONE

23 Well, Ms. Fallone, did you want to add anything?

24 MS. FALLONE TO JUDGE

25 Your Honor, I think the record reflects the extent of the

1 involvement in the, the drug conspiracy, and I believe it's
2 undoubtedly a particularly serious crime --

3 JUDGE TO MS. FALLONE

4 Okay.

5 MS. FALLONE TO JUDGE

6 -- and it subjects her to being barred from withholding.

7 MS. BIOCINI TO JUDGE

8 Your Honor?

9 JUDGE TO MS. FALLONE

10 All right.

11 JUDGE TO MS. BIOCINI

12 Q. Ma'am, one of the precedent decisions from the Attorney
13 General instructs me to look at certain factors to determine
14 whether your conviction is for what's called a particularly
15 serious crime. And we've tended to talk when you've been in here
16 in Master Calendar in English, do you want me to have everything
17 translated?

18 A. I, I can, I speak English. It's fine. I understand
19 perfect what you say.

20 Q. If I say something you don't understand, I want you to
21 stop me. Okay.

22 A. Sure --

23 Q. Okay.

24 A. -- Judge.

25 Q. I have to look at certain factors to determine whether

1 you've been convicted of what's called a particularly serious
2 crime. If you have been convicted of a particularly serious
3 crime, you're not eligible for withholding of removal, you retain
4 the right to apply for, and you have -- for protection under the
5 Torture Convention. Okay. Now among other things, in order for
6 the crime to be not particularly serious, there needs to be a
7 very small amount of drugs involved, you would have been merely
8 peripheral to the criminal activity and there would have to be no
9 organized crime involvement in the activity. And it looks like,
10 looking at the documents you've provided, that there was a fairly
11 substantial amount of cocaine involved. Even just limiting it to
12 the offense of the conviction, it was not, in any -- by any
13 stretch of the imagination a very small quality, nor was your
14 involvement peripheral. I know you were not at the top of the
15 food chain, I understand that. But you were not peripheral to
16 it, either. And really, the whole basis of your claim is that
17 there's organized crime in the form of the Cali cartel, that's
18 behind all of this. And so I'm going find that you have been
19 convicted of a particularly serious crime. As I said, that
20 knocks out withholding of removal, but the Torture Convention
21 claim still survives, and that's what we're going to evidence on,
22 the Torture Convention claim. Okay.

23 JUDGE TO MS. FALLONE

24 You've got, Ms. Fallone, a copy of respondent's declaration?

25 MS. FALLONE TO JUDGE

1 Yes, I do, Your Honor.

2 JUDGE TO MS. FALLONE

3 All right.

4 JUDGE FOR THE RECORD

5 Let's go off the record one -- for one moment.

6 (OFF THE RECORD)

7 (ON THE RECORD)

8 JUDGE FOR THE RECORD

9 Okay.

10 JUDGE TO MS. BIOCINI

11 Q. Ms. Biocini, I -- know if I, actually, put you under
12 oath. Let me do it again. Do you swear any testimony that you
13 give will be the full and complete truth?

14 A. Yeah.

15 Q. You're sure you're comfortable in English? Because we
16 have --

17 A. Yes --

18 Q. -- an --

19 A. -- I am --

20 Q. -- interpreter.

21 A. -- comfortable in English.

22 Q. You're --

23 A. Yeah.

24 Q. All right. Even if there's a word or a phrase that,
25 that you don't understand and you want translated, please, don't

1 be shy about that. Let us know and we'll have the interpreter --

2 A. Okay, Your Honor. Yeah.

3 Q. Okay.

4 MR. TODD TO JUDGE

5 Your Honor, one more housekeeping point. The respondent's
6 son is scheduled to show up at anytime. We're know that he's not
7 going to testify, but we did want him to, to be here as a show of
8 support --

9 JUDGE TO MR. TODD

10 Fine.

11 MR. TODD TO JUDGE

12 -- and that may -- I'm not quite sure when it's going to
13 happen.

14 JUDGE TO MR. TODD

15 Right. Right.

16 MR. TODD TO JUDGE

17 I just want us to be aware of -- and --

18 JUDGE TO MR. TODD

19 Okay. All right. Good. Let's go ahead with direct.

20 MR. BRISON TO JUDGE

21 Okay, Your Honor. So in the interest of time, and with your
22 approval, we're going to skip some of the preliminary detail and
23 focus on some of the main points of Ms. Biocini's testimony.

24 MR. BRISON TO MS. BIOCINI

25 Q. So Ms. Biocini, I'd like to start by asking you a few

1 questions about Colombia and about your fear of returning to
2 Colombia. Just in general, why are you afraid to return to
3 Colombia?

4 A. I, I am afraid because I, I believe it's very, very big
5 possibility that I, I will be killed, regarding the, the
6 (indiscernible) I give to the Government.

7 Q. So, Ms. Biocini, you gave the Government a lot of
8 information about people involved in the cocaine business.

9 Correct?

10 A. Yeah.

11 MS. FALLONE TO JUDGE

12 Objection, Your Honor. Leading.

13 JUDGE TO MR. BRISON

14 It is leading. But go ahead.

15 MR. BRISON TO MS. BIOCINI

16 Q. Do you think that that assistance put your life at
17 risk?

18 A. Yes. I, I believe so, and I had fears of that from,
19 from the beginner.

20 Q. Now of, of the people you identified for the U.S.
21 Government, what three people are you the most afraid of?

22 A. Okay. They are, you know, as I saw that one of the
23 informants got killed, I am afraid of them, of the killer or the
24 killers of that, that codefendant, the -- no, the informant,
25 Gordo, because, you know, that made, made everything more, more

1 real and, and more obvious that, you know, if this guy was very
2 close, you know, to my case and know a lot of information about
3 me, and whoever kill him, I don't know who is, but I am afraid of
4 that people because maybe they know who I am.

5 Q. Okay. I'll ask you a few more questions about that
6 particular informant in a minute. Now are there others though,
7 that you've had connections with? Maybe other people that, that,
8 that also made you afraid? Or --

9 A. Of course. Because, you know, I believe because my, my
10 case was very much involved with undercover. And I, I believe
11 another, another person was -- he was, you know, knows a lot
12 about me and, you know, he knows that I was -- I became informant
13 to the Government, and you know, he has friends, common friends
14 in Colombia, and so he's -- he knows very much about the case,
15 too. So he's, he's Felix Bernal, Felix Bernal.

16 Q. Felix Bernal.

17 A. Yeah.

18 MS. FALLONE TO MR. BRISON

19 Can you -- spelling for the record?

20 JUDGE TO MS. FALLONE

21 Oh. No, one second.

22 JUDGE TO MS. BIOCINI

23 Q. Because, that's another one of the persons mentioned in
24 your affidavit or your declaration.

25 A. Yeah, yes, another. And there is other guys, other one

1 that more involved, more involved with the case relating,
2 involved because he was the source of the two or three
3 codefendants I knew in the conspiracy, he was the source. He,
4 he -- I got him introduce him by some other Colombian person from
5 Medellin, and, you know, but --

6 MR. BRISON TO MS. BIOCINI

7 Q. And --

8 MS. BIOCINI TO JUDGE

9 -- the, the, the -- his name is the Greek and, and he's
10 really very tied into all these other codefendants, and, you
11 know, so I'm afraid of, of, of that.

12 JUDGE TO MS. BIOCINI

13 Q. But that's Elias Giannakopoulos. Correct? The Greek?

14 A. Yeah.

15 JUDGE FOR THE RECORD

16 For the record, first name, E L I A S, last name
17 G I A N N A K A P O L O U S. And for the record, the individual
18 that was mentioned earlier, Felix, common spelling, Bernal --

19 MS. BIOCINI TO JUDGE

20 Um-hum.

21 JUDGE FOR THE RECORD

22 B E R N A L.

23 JUDGE TO RESPONDENT'S REPRESENTATIVE

24 Go ahead.

25 MR. BRISON TO MS. BIOCINI

1 Q. And the first person you mentioned, Ms. Biocini, just
2 for the record, was -- what was his name? His name was Gordo?
3 A. Gordo. Oh, he has -- he -- his real name is Hernando
4 Velazco, but he, in the Government affidavits, he was calling
5 like Miguel Asurf (phonetic sp.).

6 Q. Okay.

7 A. He has another name there. He has many -- several
8 names, you know.

9 MS. FALLONE TO MR. BRISON

10 If counsel for respondent could just spell those names for
11 the record so we know what we're talking about.

12 MR. BRISON FOR THE RECORD

13 So the, the Greek, as Judge Murry mentioned, was Elias
14 Giannakapolous. The second person is Felix Bernal, F E L I X,
15 B E R N A L, and the third is Hernando Velazco, that's
16 H E R N A N D O, Velazco is V E L A Z C O.

17 MR. BRISON TO JUDGE

18 And Your Honor, you'll note that there are a number of
19 misspellings and inconsistencies of some of these names in the
20 record.

21 JUDGE TO MR. BRISON

22 Right.

23 MR. BRISON TO JUDGE

24 And Mr. Velazco does go by several aliases, as Ms. Biocini
25 indicated.

1 JUDGE TO MR. BRISON

2 Yes.

3 MR. BRISON TO MS. BIOCINI

4 Q. So now, Ms. Biocini, I'd just like to ask you a few
5 more questions about Gordo. And according to your declaration,
6 you said that you met Gordo as early as the 1970's. Is that
7 correct?

8 A. Oh, yeah. I met him in, in Cali. Yeah.

9 Q. And, and how did you meet Gordo?

10 A. You know he was a popular person, you know, in the
11 nightclubs, you know, and he was selling grams to, you know, to
12 the people that were in the discothèques, you know, so everybody
13 knows him, that, you know, as the -- as this guy that has on, you
14 know, was coming to the discothèque to, to provide drugs for the
15 disco --

16 UNIDENTIFIED PERSON TO THE PARTIES

17 Excuse me for a moment.

18 MS. BIOCINI TO MR. BRISON

19 -- for the disco --

20 UNIDENTIFIED PERSON TO THE PARTIES

21 Anyone seen my lunch?

22 JUDGE FOR THE RECORD

23 Off the record.

24 (OFF THE RECORD)

25 (ON THE RECORD)

1 JUDGE FOR THE RECORD

2 Back on the record.

3 MR. BRISON TO JUDGE

4 Okay.

5 MR. BRISON TO MS. BIOCINI

6 Q. So Ms. Biocini, you knew of Gordo and you knew that he
7 was selling drugs to other people --

8 A. Yes. I --

9 Q. -- in Cali.

10 A. -- I knew him. He has that kind of reputation, you
11 know, in, in, in that time, when, when I met him. But I, I, I
12 don't have any personal relationship with him, and just know the
13 guy, you know. I -- we usually used to party, to go to a
14 discothèque called Santropay (phonetic sp.), and because very
15 popular in town, so everybody was, you know, we came -- we're
16 going to there to Santropay (indiscernible) to the Bardy Louder
17 (phonetic sp.), so it was the time, the nightlife in Cali at, at
18 those, at those years. So but much popular people, you know,
19 and, and when, when Gordo was coming everybody, you know, they
20 all -- some people was addicted to cocaine at that time.

21 Q. Okay.

22 A. So --

23 Q. Now after the mid-1970's, it seemed -- when was the
24 last time that you heard from Gordo? Was it -- according to your
25 declaration, you didn't see or hear from Gordo again until

1 sometime in 1994.

2 A. No, no I, I didn't see, I, I, you know, I, I went to
3 Europe for in the 1977 and I even, you know, he seen once in
4 awhile, you know, in the '70's. I, I don't used to hang around
5 with him, but I knew him as, as this person, and I didn't see him
6 for, I can say, for -- see him for or hear from him again for
7 after 20 years.

8 Q. Okay. So you heard from him 1994.

9 A. I had told the FBI about that, too, when it's safe
10 that --

11 Q. And, and how did you hear from him?

12 A. -- 20 years. Huh?

13 Q. How did you hear from Gordo in 1994?

14 A. I -- in 1994, I got up in my P.O. Box, I found a
15 letter, and say that, and I open the letter and it say, it say
16 oh, that he was, you know, he was -- he, he say that somebody
17 that we know each other, Eliana Barcarta (phonetic sp.), give my,
18 my P.O. Box to him because he, he knows that -- she knows that he
19 was flying to California and, and I was, you know, I was living
20 here. So he, he wants to, to meet with me and he say Hernando
21 Velazco Gordo. So I say, Gordo, here, I was really surprising.
22 How can, you know, when you hear somebody -- when you don't hear
23 from somebody for 20 years, you know, you know, I got really
24 surprised and, you know, see I, you know, I got surprised.

25 Q. So after you got his letter you were surprised. Then

1 what did you do, Ms. Biocini? Did you get in --

2 A. I call him right away. I call, yeah.

3 Q. And what did Gordo want to discuss? Did he --

4 A. Well, he say just hello, and I say, Gordo, what are you
5 doing here, you know. I ask about, say, how is Eliana Barcarta,
6 how is -- what happened, what here and say, you know, I was
7 really, you know, very emotional to hear from him is like, you
8 know, to hear from somebody here say that, you know, so he say
9 that he has good, good news for me and he wants to speak to me,
10 and he wants to invite me, also, it was the soccer, soccer cup,
11 champion cup.

12 JUDGE TO MS. BIOCINI

13 Q. World Cup.

14 A. Yeah, the World Cup. Exactly.

15 MS. BIOCINI TO MR. BRISON

16 And he, he say, or he, he also was there in Los Angeles to
17 see some, some, some soccer games and he invite me. Say okay,
18 that's fine. Okay. So, see but I really I want to speak to you
19 in person, and if you want to come, come down or and, and meet,
20 you know, one of these days I called you, and I say, yes, it's
21 fine, and, you know, that was very much the, the, you know, the
22 first, you know, because when you see somebody -- you don't see
23 somebody or don't hear from somebody a long time, you, you don't
24 know what to say, you're, you're just surprised and, so that's
25 very, very much it. He give me -- he -- I don't -- oh, no, he

1 speak -- he phone -- he -- I call, I beeper, I call to his beeper
2 number because it was in the letter. So, you know, so he, he,
3 he -- to give him -- and I give, at that time I give him my, my
4 beeper number.

5 MR. BRISON TO MS. BIOCINI

6 Q. So Ms. Biocini, now according to your declaration, you
7 said that you went to meet Gordo and that he picked you up at the
8 airport, and that the -- and there was another woman along with
9 Gordo, and the, and the three of you went back to, to Gordo's
10 apartment.

11 A. Yeah.

12 Q. Now how did your first meeting with Gordo go? I
13 mean --

14 A. Very, very strange. He was, he was very, you know, no
15 natural and when I came down -- I sorry, Judge, but I, I, I
16 wasn't smoking marijuana myself, you know. And he asked me also
17 to bring two joints, and I bring one joint, two -- one joint in
18 my luggage. And you know, so -- but that's only, the only thing
19 I, I, I brought, you know, and so I bring, so, you know, so he
20 say -- he was very nervous and, and I, I feel like it's somebody,
21 as soon as I pass the case, somebody was right behind me and when
22 I went to the bathroom, some -- a person, person was behind me
23 all the time and, but, you know, as we, and so Gordo was very
24 nervous, like, can I say very natural, and I say, I say all this,
25 I feel queer, and then I say somebody's -- I feel that somebody

1 is really not following. So you know, I was very paranoid at the
2 time, because I was doing coke or was doing marijuana, you know,
3 so your, your personality changes a lot when you, you know,
4 you -- paranoia is one of the things that you, that you are when
5 you, you are doing that, those, those drugs. So, and I'm knowing
6 that, I know I had that -- those joint in, in my, my luggage.
7 You know, I say, oh, my God maybe it's because that. And, you
8 know, so that's, that's very much what, what happen.

9 Q. Ms. Biocini, how long did your first meeting with Gordo
10 last, would you estimate?

11 A. Very bad, because as soon as we get to the place, I
12 believe that's also another person was inside the apartment.
13 Because this woman go to the, to the -- oh.

14 JUDGE TO MS. BIOCINI

15 Q. Wait, wait, wait. Listen to your, your attorney's
16 questions. He just asked you --

17 A. Oh, very bad, very bad --

18 Q. No, no, no. He asked you how long did the meeting
19 last.

20 A. Okay. How long did the meeting last?

21 Q. Approximately.

22 A. For the 30, 45 minutes.

23 Q. Okay.

24 MR. BRISON TO JUDGE

25 Okay.

1 MR. BRISON TO MS. BIOCINI

2 Q. And then in that meeting what did the two of you
3 discuss? I mean, yeah, or how did -- better, how did you feel in
4 that meeting?

5 A. As soon as we go to the apartment, you know, I want
6 that we smoke some marijuana and he doesn't want to. And I say,
7 you asked me for those -- why, why you ask me to bring those, if
8 you don't want to smoke. So I wasn't smoking myself. And I say
9 okay, well, whatever, the soccer game and whatever, and he, he
10 didn't have the tickets, he didn't have -- he say -- well, at
11 least we watching the -- this on tv. And he say, he say he
12 couldn't concentrate and they say, okay, let's talk about some
13 friends in Colombia. And you know, what, what about this, what
14 about that, what. So this command was in focus and, and I was,
15 you see. So, and other people was calling him from -- to him.
16 They call, oh, Hernando, I don't remember exactly how they call
17 him, but it was like two people back in, in, in a room. It was a
18 lady and another man, calling him, him and, and then he come and,
19 you know, it was really weird.

20 Q. So Ms. Biocini, in your declaration you state that
21 you -- the meeting didn't last very long, you just said, and that
22 you took a cab right back to the airport. Now when you, you
23 returned to the San Francisco Bay area, did Gordo contact you
24 after that first meeting?

25 A. Oh, yes. He, he did. He, he contact me again, and I

1 was -- also it is in the, in, in the recording phones, or
2 recording -- it's in evidence that I was very, very upset with
3 him and I say -- told him don't go here anymore, I don't want to
4 hear from you. Also my, my husband, George, say I don't want
5 to -- I was with my husband, George, at that time when, when I
6 received this call from Gordo, and say, Gordo, say listen,
7 respect this family, she doesn't want to hear from you again.
8 And that's in the recording calls and that, that, that phone, I
9 have, I was doing something for ISHCOR (phonetic sp.), and I, I
10 can -- I don't have it right now with me, but that call is, is,
11 is wiretapped and it's real. It's, it's, you know, so, so it
12 was -- I was very upset with him, I say don't call here anymore,
13 I don't want to hear from you anymore. That's very much what,
14 what it is.

15 JUDGE TO MS. BIOCINI

16 Q. If, if, in other words, you're saying that -- well,
17 it's clear from the documents that the Federal authorities tapped
18 your phone for a time period.

19 A. Yes.

20 Q. And you're saying this conversation where you told
21 Gordo to stay away from you, this was one of the wire --
22 conversations --

23 A. Yes.

24 Q. -- that was picked up on the wiretap.

25 A. Uh-huh. Yeah.

1 Q. Okay.

2 JUDGE TO MR. BRISON

3 Go ahead, counsel.

4 MR. BRISON TO MS. BIOCINI

5 Q. So Ms. Biocini, did Gordo try to get you involved in
6 legitimate business deals?

7 A. Yes. Then after that, he start to -- he call again.
8 He keep on calling, calling and he, he been kind of appeared that
9 real estate deal, and that call also, I think, wiretap, and you
10 know, you can locate it, it's in wiretap, see. He start to tell
11 that some, some people, all so somebody wants to sell some
12 properties in Calima (phonetic sp.), and it was a gentleman. The
13 gentleman, you know, is not like, you know, he was telling about
14 real business, some property, and maybe I was interesting because
15 I, I was interesting at that point, you know, because it was -- I
16 was going to make some commission, so for those, for those
17 properties, and I had people there, maybe they could be
18 interesting, that's a good price, because he say if he has a good
19 price. So I say are you start talking, talking about that. And
20 then he twisted, he twisted, and then I say oh, oh, wait, wait,
21 no -- I know -- I don't know exactly how he twisted, but like
22 it's another kind of, then I'll say, I say to him, listen, Gordo,
23 and I very clear, I don't think we're speak the same language.
24 I, I remember that price, because I was talking about the Calima
25 properties and then he twisted to, to cocaine or something like

1 that. I just talking and say listen, we do not speak the same
2 language. So please stop there, and I, I don't want to speak
3 anymore about that. And that conversation, I can prove it,
4 because it's there in the wiretap.

5 Q. So Ms. Biocini, did you ever make any serious deals
6 with Gordo for cocaine?

7 A. No. No, no, never.

8 Q. Ms. Biocini, did, did you like to talk to Gordo? Did
9 you like to gossip with him?

10 A. Yes. Because I drive, I wasn't smoking pot alone. In
11 the morning, I always got smoking the pot. I was also watching
12 the, the O. J. Simpson trial, because so interesting for me and
13 was so much fun to smoke a joint. When I am smoking a joint,
14 and, and, you know, and I was watching the O. J. Simpson, the
15 Gordo called, Gordo called and so I was goings around with him, I
16 was so high. So I was high and, and listen and, you know, and,
17 and that's very much, very much my conversations. And, you know,
18 all the -- and but when, when he comes to the point that he, he
19 tries to, to insert a fear or something like that, I just stop
20 him and say don't speak to me and those things anymore. And,
21 and, and very much that --

22 Q. And --

23 A. -- (indiscernible) in my transcripts, in my real
24 transcripts for where, where the base, the base, you know,
25 supporting for my case, because I always taking -- no, you know,

1 he start to, to again and again and again, and again. And --

2 Q. Now Ms. --

3 A. -- and, you know --

4 Q. -- Ms. Biocini, did you enjoy teasing Gordo or pulling
5 his leg? Or, you know, joking with him, kind of?

6 A. I, I, you know, I just -- I, I like to, when I am
7 smoking marijuana I like to talk and you know, it's fun, when,
8 you know, just smoking -- you, you talk and talk and talk and
9 talk, you know. And you know, so, so that's very much. But, but
10 when, when, so when, when this conversation turn to another
11 situation and, and it's very clear in my wiretaps, I, I is
12 talking, I say, no, that's enough, don't just speak to me about
13 this. Well, you know, I say, oh, no, about his times to, to,
14 again, to do it next time and next time and next time.

15 Q. So Ms. Biocini, do you think that Gordo was well
16 connected to the Cali cartel?

17 A. Yeah. Uh-huh.

18 Q. And were you ever scared of him when you were talking
19 to him?

20 A. I, I know he has, he has friends, you know, say, you
21 know, I, I really don't want to involve with him at all, because
22 he was weird to me. He -- I cannot trust him, at all. And, you
23 know, that's my mistake, to, to continue. But it was a point
24 that I say you better so to, to call me anymore, that's enough.
25 And it was by April, before -- eight days before, before I was

1 arrested, I say no more this, it has to be, to, to, to finish
2 completely, because I cannot hear your, your story at me anymore.
3 You, you are like a record, record, a broken record, all the
4 time. Tell me the same thing. We go back to the, to the, to the
5 same thing. Say -- I say no, you say you're coming up, and so it
6 was made me -- she was -- he was made me crazy.

7 Q. Yeah. Now how -- why do you think he was well-
8 connected to the Cali cartel? Can you explain for -- to us why?

9 A. I mean he was, he was in, in the, in the -- in '70's he
10 was, he was -- everybody knows that he was connected to somebody
11 very high there, you know. And that was all, all what he was
12 doing all, all his life, you know. And it's, it's no difficult
13 to know in, in that town in Cali, you know, it's about people's
14 life, you know, is --

15 Q. Uh-huh.

16 A. -- is too much cozy in, in that town. You know, so, so
17 I know from, from that time that he was, he was, you know,
18 something, you know, something there, you know, he was very --
19 with somebody. I, I really -- I don't know exactly what, what is
20 he, he sold, but I know he, he somebody there very big.

21 Q. And did you hear from, you know, friends and family,
22 the same thing, that Gordo was involved in the narcotics business
23 in Cali? Did you hear from any the friends you were hanging out
24 with or other people you knew?

25 A. Yeah. Everybody knows about him.

1 Q. Now did Gordo know that you were arrested in 1995?

2 A. Yes, he knows. He also, what is particular that when,
3 when my, my, my husband went to the place, he told me that when
4 he went to the place to pick up Peter, little Peter, you know
5 because my son was -- stay along with, with the, with the agents
6 in, in my house in, in the place.

7 JUDGE TO MS. BIOCINI

8 Q. Peter's your son. Correct?

9 A. Peter's my son.

10 JUDGE TO MR. BRISON

11 Go ahead.

12 MS. BIOCINI TO MR. BRISON

13 So when he, he went there to stay, the agents waiting for
14 him with Peter, and as soon as George get into the house, the
15 phone ring, the phone ring. And so George answered, and, I mean
16 it was Gordo. Say what's going on or whatever say, well, so
17 Gordo was calling George at that time is when Gordo receive that
18 call. So say listen Ana is, is arrested. I say, oh, no, but
19 let's just speak about this about this and say, no, no, listen,
20 I -- George, you don't understand that Ana is arrested. Even my,
21 my husband telling him, well, I was arrested. He wants to
22 speak -- and that's in -- also in the, in the wiretap.

23 MR. BRISON TO MS. BIOCINI

24 Q. Now Ms. Biocini --

25 A. So like he doesn't care that I was arrested, you know,

1 and I don't understand why, you know.

2 Q. Now Ms. Biocini, was Gordo an informant for the U.S.
3 Government?

4 A. Yeah. I believe so.

5 Q. And how did you find out that he was an informant?

6 A. I, I, I really, from the day I, I was arrested I, I
7 realize that all these was as figured out by the informant,
8 because -- but, but as a setup, you know. And I found out, you
9 know, through documents and through many, how you say it, the
10 affidavits and, you know, on declaration and how this man, you
11 know, was telling things about -- sometimes he was telling, and
12 the affidavits say it, say things that say, how, it looks like
13 it's Gordo, you know, because --

14 JUDGE TO MS. BIOCINI

15 Q. These --

16 MS. BIOCINI TO MR. BRISON

17 -- he was, he was --

18 JUDGE TO MS. BIOCINI

19 Q. -- these documents you got in the course of your
20 criminal case --

21 A. Yeah.

22 Q. -- the documents the Government gave you --

23 A. Yes.

24 Q. -- that indicate that this Gordo --

25 A. Uh-huh.

1 Q. -- was the informant.

2 A. Yeah. Uh-huh.

3 MR. TODD TO JUDGE

4 Your Honor, let me impart for the record, that we did submit
5 the FBI transcripts.

6 JUDGE TO MR. TODD

7 Yes, the 302's and there are several FBI 302's
8 (indiscernible) --

9 MS. BIOCINTI TO JUDGE

10 And I --

11 JUDGE TO MR. TODD

12 -- memorandums, memorandums from interview.

13 MS. FALLONE TO JUDGE

14 Your Honor, can we then just direct your attention, for the
15 record and for the Government's fact, that I don't know where
16 that is? Just (indiscernible) that.

17 JUDGE TO MS. FALLONE

18 It's, well, that doesn't stretch it because in there, the
19 large packet towards the latter part of the tabs. Wait a second.
20 I know that's here.

21 MR. TODD TO JUDGE

22 It -- this is --

23 MR. BRISON TO JUDGE

24 It is --

25 MR. TODD TO JUDGE

1 -- E-3, 4, 5.

2 JUDGE TO MR. TODD

3 Right.

4 MR. BRISON TO JUDGE

5 Okay.

6 MS. FALLONE TO JUDGE

7 And specifically (indiscernible).

8 MR. BRISON TO MS. FALLONE

9 It's, it's a transcript that they asked for a time and the
10 officer --

11 MS. FALLONE TO MR. BRISON

12 Okay.

13 MR. BRISON TO MS. FALLONE

14 -- gave me it.

15 MS. FALLONE TO MR. BRISON

16 Okay. Thank you.

17 JUDGE TO MR. BRISON

18 Okay.

19 MS. VIA TO JUDGE

20 Okay. Okay.

21 JUDGE TO MR. BRISON

22 Go ahead.

23 MS. BIOCINI TO JUDGE

24 This --

25 MR. BRISON TO JUDGE

1 Okay.

2 MR. BRISON TO MS. BIOCINI

3 Q. So just to clarify, Ms. Biocini. Did you look at FBI
4 reports that said that Gordo was an informant?

5 A. Uh-huh.

6 Q. And in -- so you, you discussed the wiretaps in the
7 testimony. I don't want to get too much into that. But do you
8 believe that Gordo gave false or misleading or incorrect
9 information about you?

10 A. Yes.

11 Q. And about your family?

12 A. Yes.

13 Q. Now from the -- from these records, it, it appears that
14 Gordo was afraid of becoming a U.S. informant. Why do you think
15 he was afraid? Why was he afraid of working with the U.S.
16 Government?

17 A. Oh, because he, he -- what I, I, I read in those, how
18 you say, the, the brief to the Government, he was, he was telling
19 the Government that he's afraid to, to the brief, to, to the
20 brief to the, to the Government, to the Government because he was
21 never, you know, he was cooperating with the Government. I
22 believe that he, he was telling that fear to the Government.

23 Q. And, and do you think that Gordo was afraid that if he
24 cooperated with the Government that the people he knew in Cali
25 would hurt him or his family?

1 A. Yeah.

2 Q. Now when did you learn that Gordo was back in Colombia,
3 approximately, in what year?

4 A. You know, exactly was when I was calling my family for
5 Christmastime. It was Christmastime. I was calling so to say
6 hello, then, 24, December 24 I was calling. Hi, everybody. So
7 like Eliana Barcarta was there, this is my, my sister, was in my
8 sister's house, they having a party there, and Eliana Barcarta
9 was there, you know the, the common friend from Gordo, you know.
10 And say, you know, I say, and you know, so Patricia say, you know
11 what, Eliana's here and she told me that Gordo is, is back in
12 town.

13 JUDGE TO MS. BIOCINI

14 Q. What year was that? Do you recall?

15 A. 2001. I'm, I'm, I'm really, you know, and, and I
16 know -- I'm not sure --

17 Q. That's fine.

18 A. -- about it. But 2001.

19 Q. That's fine.

20 A. Uh-huh.

21 MR. BRISON TO MS. BIOCINI

22 Q. Now at that time or a little later, Ms. Biocini, did
23 you hear that Gordo was talking about you and your situation to
24 others in Cali?

25 A. Yes. Yes, he, he was telling that I was cooperated

1 with, with the Government.

2 Q. So, Ms. Biocini, Gordo basically cuted you as U.S. --

3 MS. FALLONE TO JUDGE

4 Objection, Your Honor, to the leading.

5 JUDGE TO MR. BRISON

6 Counsel, don't, don't lead her. Right. Right.

7 MR. BRISON TO MS. BIOCINI

8 Q. So Ms. Biocini, do you feel that -- did Gordo tell
9 others in Cali that you were a Government informant?

10 A. Yeah.

11 Q. And you heard this from whom?

12 A. From, from my sister Patricia, Eliana Barcarta and also
13 from this boy friend I have there, Bonito Lopez. He, he, he told
14 me that Gordo was in town and he met him and he was telling him
15 that he was, you know, that I, I became an informant for the
16 Government. And at that point, you know, this guy has a lot of
17 people he knows there, so I don't know at that point who else he,
18 he told about my cooperation with the Government.

19 Q. So Ms. Biocini, what then happened to Gordo on July
20 9th, 2004?

21 A. Oh, oh, I was also, you know, and, too, I learned,
22 through, through a newspaper the news that he, he was killed.
23 That is, you know, he was killed, that's what I, I learned, you
24 know. So I was really so scared and, and, and, you know, also
25 that I, I, I have to contact somebody, and I scaring myself very

1 much because I, I have, I, I had to make, I make a motion -- I
2 had somebody make a motion for me so for the Immigration
3 purposes, that is what -- a motion I make on, you know, a motion
4 I make for the -- to the, to the Federal, to the Federal
5 Government.

6 Q. Now Ms. Biocini, you, you --

7 A. Because I was so scare.

8 Q. Okay. Who told you that Gordo been assassinated? How
9 did you get the newspaper article?

10 A. My sister, Patricia, send, send that paper to, to my
11 brother here.

12 Q. Okay.

13 A. And they send me that to jail.

14 Q. Now do you think that Gordo's assassination was related
15 to drugs? That he was killed because he was, because he was --

16 A. He was on something. I --

17 JUDGE TO MS. BIOCINI

18 Q. Who do you think killed Gordo?

19 A. Huh?

20 Q. Who do you believe killed Gordo?

21 A. I, I don't know. I, I really, you know, I believe
22 somebody that was upset with him, I don't know. It's, it's an
23 unknown killer that can be, you know, if, you know, I, I don't
24 know the, the name, but it's like a figure, you know, that is
25 there that kill him. And it might be the, the, the organization

1 he was, he was -- belong to.

2 Q. What organization is that?

3 A. The -- maybe this, this -- the source for, for the --
4 his source for drugs, you know, his, his -- he was trafficking
5 with, with the drugs, he was in, in drug deals. So --

6 Q. Do you know who the source was?

7 A. At, at this point I, I, I know that he was -- belong
8 to, to one cartel there, but, you know, he, he mention many names
9 and, and, and many, many names. I, I don't know what's his real,
10 you know, his real supplier or -- but it's somebody they're, it's
11 somebody they're behind.

12 Q. All right. And to go back to your counsel's question.

13 Do you believe that Gordo's killing was connected to his
14 narcotics activity?

15 A. Yes.

16 Q. All right.

17 MR. BRISON TO MS. BIOCINI

18 Q. And Ms. Biocini, do you believe that his, his killing
19 had anything to do with being a U.S. informant?

20 A. I believe that, too.

21 Q. Now can your family in Colombia find out more
22 information about who killed Gordo?

23 A. I trying to, you know, to, to get some documentation
24 for the Court, and ask my sister to investigate, you know, went
25 through a lawyer to get some, some, some information and the, the

1 police, police records --

2 Q. Um-hum.

3 A. -- and she was really scared. Say, listen, I don't
4 want to get close, even, you know, to find, to investigate or to
5 search for something for Gordo, because I'm, I'm afraid, I'm just
6 afraid. I don't want, you know, the, the best -- then the less
7 you know, the better, you know, you protect yourself. And, and,
8 and that's what my sister, you know, say, I'm sorry, but I cannot
9 help you doing that, I, because it's something is there, you
10 know.

11 Q. Now Ms. Biocini, do you think the Colombian government
12 did anything to find out who killed Gordo? Do you think --

13 A. Pardon?

14 Q. Do you think that the Colombian government, maybe the
15 police department in Colombia did anything to find out who killed
16 Gordo?

17 A. No, at this point, I, I don't know, I don't know at
18 this point how is the status of his investigation. I, really, I
19 don't know. I don't know whether --

20 Q. Do you think that the Colombian government can protect
21 you if you return to Colombia?

22 A. I don't think so. I don't think so.

23 Q. And why do you think that?

24 A. Because they don't protect Gordo, either. They don't
25 protect Gordo. And, you know, the, the, the situation there is

1 terrible. If they cannot protect people from the guerrilla so
2 that it's a group they know, how they, they, they protect people
3 from a group they don't know? They, they, they don't have a
4 face.

5 Q. So do you think that there, that there is a problem
6 with corruption in the Colombian government?

7 A. Yeah.

8 Q. And do you think that the -- has it been your
9 experience that the Colombian government is interconnected with
10 the drug cartels in Colombia?

11 A. There is, there is some people, in Colombia there are
12 many filtration, you know, you don't know who's, who's working
13 for the guerrilla, you don't know who's working for the cartel,
14 you don't know who's real, who, who is real there, you know. And
15 it's, it's very -- is, is, is, you know, what they trying to --
16 the new president is, is, is a good president. He tryings to
17 clean --

18 Q. Okay.

19 A. -- corruption. But, you know, but, well, it's --

20 Q. Now --

21 A. -- difficult.

22 Q. -- now I'd like to, to ask you a few questions about
23 your involvement with the Greek.

24 A. Pardon?

25 Q. With the Greek. I'm going to ask you a few questions

1 about --

2 A. Okay.

3 Q. -- the Greek.

4 MR. TODD TO JUDGE

5 Before we get to that. Your Honor, I realize her testimony
6 as presented right now, rather in narrative fashion. Is that, is
7 that okay with the Court? Or do we need to try to tighten things
8 up?

9 JUDGE TO MR. TODD

10 Oh, it's all right. It's fine, I think. I, I know she's
11 nervous and she's doing the best she can.

12 JUDGE TO MR. BRISON

13 Well, just try to interrupt her a little bit to --

14 MS. BIOCINI TO JUDGE

15 Thank you, Your Honor.

16 JUDGE TO MR. BRISON

17 -- you know, if you can do that.

18 MS. BIOCINI TO JUDGE

19 Thank you, Your Honor.

20 MR. BRISON TO JUDGE

21 Thank you.

22 MR. BRISON TO MS. BIOCINI

23 Q. So how did you meet the Greek, Ms. Biocini?

24 A. I, I meet the Greek through another Colombian.

25 Q. Okay.

1 A. Through another Colombian, Alfonso Bejarano. Also I, I
2 debrief about this person to the Government the day of the, of my
3 debrief.

4 Q. Now after you met the Greek, did you two start dating?
5 Did you become involved in a relationship?

6 A. Yeah. Kind of.

7 Q. Now after you started dating, how long did it take
8 before you learned that the Greek sold cocaine?

9 A. It's only, but really like four, four or five months.
10 I, I don't know exactly, because it's difficult to say --

11 Q. Sure.

12 A. -- when, but, you know, I was addicted and I was, you
13 know, I was, I was in bad shape. I, I really I was, you know,
14 it's only, later by later I, I know him.

15 Q. Now did you know, specifically, how the Greek got
16 cocaine from Colombia?

17 A. Yeah. I mean I know that he, I -- that he was involved
18 with this, Alfonso Bejarano, the, the guy that introduce me to
19 him. And, you know, he comes in the 1980's, it was a lot of mess
20 going around Miami.

21 JUDGE TO RESPONDENT'S REPRESENTATIVE

22 Okay. Hold on a second.

23 JUDGE FOR THE RECORD

24 For the record. Alfonso, last name B E J A R A N O .

25 JUDGE TO MS. BIOCINI

1 Q. Now focus on your attorney's questions.

2 A. Okay.

3 Q. Did you know exactly how the Greek got cocaine or did
4 you not?

5 A. Yeah. I, I know, I --

6 Q. If you didn't, just tell us you don't know.

7 A. No. No, no, exactly, I, I don't know. But --

8 Q. That's fine.

9 A. Okay.

10 Q. That's fine.

11 JUDGE TO MR. BRISON

12 Go ahead.

13 MR. BRISON TO MS. BIOCINI

14 Q. Now do you believe that Bejarano was one of the Greek's
15 key Colombian suppliers?

16 A. Yeah.

17 Q. Okay. Now did the Greek have other people that worked
18 for him, directly?

19 A. Pardon?

20 Q. Did the Greek have other people that worked for him,
21 that sold cocaine for him?

22 A. Yes. I met like four, five people.

23 Q. And, and what, what were those four or five people,
24 four people, if you remember?

25 A. I remember the French, Cosby (phonetic sp.). Also is,

1 and in my phone number, in my phone number's, he was Larry
2 Salamore (phonetic sp.), the brother of Sid Salamore (phonetic
3 sp.), who in the cocaine conspiracy. They were coming, they were
4 coming to Miami to pick up cocaine, and then carry back to
5 California.

6 Q. Okay.

7 A. The --

8 Q. Now Ms. Biocini, did the Greek ask you to do things for
9 him? Did he ask you to help him?

10 A. Yeah. I pick, pick them, them up from the airport.

11 Q. Okay.

12 A. And you know, and then drive them around and going
13 to -- for lunch and, you know, and, and then they when they,
14 later, you know, we had to, to -- I had to, to bring them to, to
15 some place so they wait for somebody to --

16 Q. Now --

17 A. -- you know, to, to give them the, I believe, the
18 cocaine.

19 Q. Now according to your declaration, you stated that the
20 Greek had two major cocaine operations. Where were those
21 operations?

22 A. Okay. One was the, one that he made this guy come in
23 from California to, to -- they're from California to Miami to
24 pick up the one or two kilos every week and bring it back to
25 California. And so he used these two guys, you know, the, the

1 Salamore and, and the other guy. And also Gus, also, I believe
2 he used Gus, too. I'm not sure. But I never got very much into
3 communication with Gus.

4 Q. So Ms. Biocini, there's one operation in Miami.

5 A. Yes. And the other was in, when he flies to
6 California, and, and they stay at the Pacifica, Pacifica
7 apartment he, he rents three apartments at that time. I also
8 told that to the FBI.

9 Q. Now Ms. Biocini, describe for us a little bit more
10 those three department -- or apartments in Pacifica. What went
11 on in each one of those apartments?

12 A. Three apartment in Pacifica. Okay. I told also in
13 debrief that he -- in one he was keeping the cocaine, and another
14 one he, he, you know, his -- the guys just stays or his, his
15 employees just stay for sleep. And the other one was to receive
16 customers and people --

17 Q. Okay.

18 A. -- in the same floor.

19 Q. Now did you ever see the Greek carrying any cocaine?
20 Carrying a suitcase with cocaine?

21 A. Always there was someone carrying the cocaine for, you
22 know, you know, so sometimes he, he, he did, but he, he don't
23 trying to, to carry very much, you know, that he always using the
24 other people. They, you know, when he calls he was for, for
25 example, like was with him in the, in the, in one of the

1 apartments and he calls somebody in, in the, for say bring me
2 this or bring me that or, you know. So somebody was coming to,
3 to the place and, and bring what, what he needs.

4 Q. Now was the Greek selling a lot of cocaine at this
5 time?

6 A. Yeah. He, he was. So I used to, I used to drink with
7 the Greek. I feel, oh, he's in my dreams. Is he -- oh, my God.
8 It's like something, I used to drink, but I am scared of him, you
9 know, because, I say, oh, my God, it's this guy. I don't know
10 what, what this guy is going to, to do, you know, to me, you
11 know. Because, he's still in my dreams.

12 Q. Now did the Greek know your brother, Hernan (phonetic
13 sp.)?

14 A. Yes. He know -- he knew my brother in one occasion.

15 Q. And, and did the Greek know your friend Jim Habanio
16 (phonetic sp.).

17 A. Yes. Jim Habanio, you know, it was the one introduce
18 me to, to Bejarano. And, you know, and Jim also knows the Greek.

19 Q. So since the Greek was doing so much business in
20 cocaine, do you think that he had direct ties with the Colombian
21 drug cartels?

22 A. Yes. Of course. He has many connections. He has
23 many, he's, he's a powerful man.

24 Q. He's, he's a powerful man?

25 A. Powerful man. Yeah.

1 Q. Now did any of the codefendants in your criminal case
2 have ties to the Greek?

3 A. Yes. Pete Solomon, Mr. Siegel (phonetic sp.), and I
4 believe Noberto Dwarta (phonetic sp.). Noberto Dwarta also.
5 And, and the FBI knows, knows that they, they know him, they
6 know.

7 Q. Now did you ever see the Greek use a gun or act
8 violently?

9 A. No, I, I didn't see, see that. But, and, you know, he
10 is a powerful and he can -- he, he don't have -- need that, to
11 use a gun to kill or whatever. I don't know.

12 Q. So do you believe that he had enough power, enough
13 money to hire other people to --

14 A. Yes.

15 Q. -- kill for him?

16 A. Yes. I believe that.

17 Q. Okay. Now Ms. Biocini, I'd like to ask you a few
18 questions about Felix Bernal, one of the three people that you've
19 identified --

20 A. Um-hum.

21 Q. -- in your brief.

22 JUDGE TO MR. BRISON

23 Should ask them does she need, does she need a break?

24 MS. BIOCINI TO JUDGE

25 Huh?

1 MR. BRISON TO MS. BIOCINI

2 Q. Do you need a break?

3 A. No.

4 Q. Okay.

5 A. My son is not coming?

6 Q. I --

7 A. I, I don't know.

8 UNIDENTIFIED PERSON TO MS. BIOCINI

9 He, he may be waiting at the front, at the front building --

10 MS. BIOCINI TO UNIDENTIFIED PERSON

11 Really?

12 UNIDENTIFIED PERSON TO MS. BIOCINI

13 I can -- we can check for you.

14 MS. BIOCINI TO UNIDENTIFIED PERSON

15 Okay. Sure.

16 MR. BRISON TO UNIDENTIFIED PERSON

17 Okay.

18 MR. BRISON TO MS. BIOCINI

19 Q. Ms. Biocini, and I'd like to turn to Felix Bernal --

20 A. Um-hum.

21 Q. -- and ask you a few questions about him. Now in your
22 declaration you state that you met him sometime in 1993 in San
23 Francisco.

24 A. Um-hum.

25 Q. How did Bernal get your beeper number?

1 A. My friend, who came from Colombia, gave him the beeper
2 number.

3 Q. Okay. And so did you, did you call Bernal?

4 A. No. Oh, when I had the message, I call to the number
5 it was in my beeper, and then I found out that they -- it was a
6 man called, Felix Bernal, that knows of my friend, Ruben.

7 Q. Okay. So did the two of you meet in, in The Union
8 Square in San Francisco --

9 A. Yeah.

10 Q. -- then? And what did Bernal want to discuss with you?

11 A. He, he, he wants to -- he offered me cocaine.

12 Q. Okay. And did you agree to buy the cocaine from him?

13 A. No. I not.

14 Q. Did you leave that meeting abruptly? Did you leave it
15 quickly?

16 A. Oh, yeah, kind of quickly. Yeah.

17 Q. Now after you'd met Bernal, were you suspicious of him?

18 A. I don't like, you know, I don't like him. I was
19 paranoid at the time. You know, I was completely a mess. I
20 didn't like the meeting either, you know, it was -- I don't like
21 it. He, you know, I was telling him that I no interest, and
22 he's, he's trying to tell me, tell me how to, to manage the, the,
23 the cash. And I say listen, I don't interesting way are you
24 speaking about cash or money or something, I, I have no interest.
25 So it was in a rush, and I didn't like it.

1 Q. Now after your first meeting, did Bernal call you
2 again?

3 A. Yeah.

4 Q. And was he interested in, in doing, you know, cocaine
5 business? Or what was he interested in?

6 A. He, he told me that, that he was, he was very impressed
7 with me and he, he was thinking very much in me as a person and
8 as a woman and he wants to meet with me to the Bellow (phonetic
9 sp.) and I really shouldn't cheat together.

10 Q. So did the two of you develop a long distance
11 relationship, Ms. Biocini? You and Bernal?

12 A. Yes.

13 Q. And do you remember just how long, approximately, that
14 relationship lasted?

15 A. It was like, it was, you know, also he, he is by the
16 same period of time to talk again, talk. Well, when I, I broke
17 up with him around that time, too, you know.

18 Q. Now did Bernal ever --

19 A. About, about two or three months, I don't know
20 exactly --

21 Q. Okay.

22 A. -- you know, how, how long. But --

23 Q. Now when you were talking to Bernal over the phone, did
24 he ever say anything that made you feel nervous or scared?

25 A. He is also in the wiretap, you know, and he, he was

1 telling -- he was trying to telling -- and those is in wiretap.
2 He was speaking, he speaking about to, to -- he has a business, a
3 sugar business in Peru, Edaiama Tres (phonetic sp.), you know,
4 wherever, and I say, and I, I no interest in at this point about
5 sugar business. And then he say, please, and so you know, Annie,
6 basic, why don't you introduce me to your husband or to your
7 brother or, you know, those -- and I, I, and, you know, he always
8 trying to, he always trying to -- those numbers that come it
9 seems the, the Honor -- Your Honor, do you want to check that?
10 You know, he's always trying to, to, to involve cocaine in
11 conversation, but I always stop --

12 Q. Now, now Ms. Biocini --

13 A. -- then.

14 Q. -- do you believe, or did you, did you -- do you think
15 the Bernal had a temper?

16 A. Yeah.

17 Q. Did he ever say, well, did -- what did he tell you that
18 he would do to someone that turned against him?

19 A. Oh, okay. Because many times he tries to involve me
20 in, in legal business. He was telling me that he has a company
21 that produce, generate energy.

22 JUDGE TO MS. BIOCINI

23 Q. Wait, wait, wait. Did he ever tell you what he would
24 do to somebody who turned against --

25 A. Oh --

1 Q. -- him?

2 A. -- to kill him. To kill. Yes, he tell me.

3 Q. All right.

4 JUDGE TO MR. BRISON

5 Go ahead.

6 MR. BRISON TO MS. BIOCINI

7 Q. And did Bernal ever threaten to kill anyone or discuss
8 killing anyone with you?

9 A. In one of the conversation that is wiretapped, he say
10 that if he finds out it, it was, it, it -- him -- it's --

11 Q. An undercover?

12 A. Under the -- if somebody's undercover agent, he was
13 killed -- he would kill this person. And he, right away, he ask
14 me, what about you, Ana, would you do the same. I say, what are
15 you talking about. So I don't know. Say, you know, you're crazy
16 and say, and, and also I hung up, right away. But, but it was
17 weird, you know, why, why if he mentions something why he ask me
18 did I -- I will, too.

19 Q. Now, Ms. Biocini, is this why you broke off the
20 relationship with Bernal? Did you breakup with him because of
21 this?

22 A. Oh, I, I -- yeah. And he was very weird all the time
23 trying to -- I broke up with him. And, and also he was
24 complaining and say why you never call me anymore. I say because
25 I don't want to speak nothing with you, I don't have nothing to

1 speak with you. And those are, are in the wiretaps. And, you
2 know, rapidly, I had (indiscernible), the man call me, and call
3 me and called me, and like was high all the time. And you know,
4 so --

5 Q. Now I want to take you to the time that you were
6 arrested in 1995. And when you were arrested, did one of the
7 special agents ask you any questions about Bernal?

8 A. Yeah. The day I was arrested, somebody say -- an agent
9 say to me that if -- so if the money that they confiscate from
10 Bernal was mine. And I say why, you know, I say -- it was very
11 surprise because I don't know nothing about any money confiscate
12 from Bernal. Nothing about money, at all, related with Bernal,
13 or nothing, you know, so it was a weird question. And I say --
14 and another agent stop this agent, and say don't, don't speak to
15 her about this. So that happened. That happened the day of my
16 arrest, and I say, so at that point also I realized is so Bernal,
17 Gordo, you know, you, you realize that they, they were some
18 involvement and that was in -- because that was done, you know,
19 you know, Your Honor.

20 Q. So Ms. Biocini --

21 A. It's weird.

22 Q. -- Ms. Biocini, do you believe that Bernal was working
23 for the U.S. Government?

24 A. Yeah. And I told, I told the FBI also --

25 Q. Now --

1 A. -- that.

2 Q. -- do you know what happened to Bernal after your
3 arrest?

4 A. I believe that he was removed out of the United
5 States. I'm not sure, because we had an investigator still gone,
6 investigator in the case, and before I was saying going to try
7 and, you know, he's, he's -- I hear that he -- Bernal was in
8 deportation proceedings or something like that. So I believe
9 he's -- I, I don't know though.

10 Q. So Ms. Biocini, are you afraid of Felix Bernal?

11 A. Yes. Very much. Because he's a liar and, you know,
12 he, he can -- he knows that I don't like him.

13 Q. Um-hum.

14 A. Because I express him that I don't like him. You know,
15 so he doesn't have anything (indiscernible) for me.

16 Q. And did Bernal know where you lived in California? Did
17 he know?

18 A. If he knows? He was visit me in many occasions to, to
19 the place.

20 Q. Now did Bernal know your family in the United States?

21 A. He know, he knows that I had a brother. He never met
22 my brother in person, never. But he, he knows that I had a
23 brother and he know -- he met my son.

24 Q. Now did --

25 A. He met -- my son told me on one occasion that my son is

1 stay with him. I, I was going to a room to do something, and my
2 son stay with him there, and, and tell his gone looking into my
3 bags and, you know, around the house like looking for something.
4 I don't know. But my son told me that, sometime ago.

5 Q. Now did Bernal know --

6 A. See.

7 Q. -- any of your family in Colombia?

8 A. Pardon?

9 Q. Any, any of your Colombian family? Anyone in Colombia,
10 did Bernal --

11 A. He, he knows because through, through Ruben knows some
12 family in Colombia, so he, he has access to know.

13 Q. And so Ruben is --

14 A. Yeah.

15 Q. -- from Cali.

16 A. Ruben is from Cali.

17 Q. And Ruben had -- knows your family well and knows you.

18 A. He, he knows some of my family.

19 Q. Okay.

20 MR. BRISON TO MR. TODD

21 That's all then.

22 MR. TODD TO MR. BRISON

23 That's all?

24 MR. BRISON TO MR. TODD

25 Yeah.

1 MS. BIOCINI TO MR. BRISON

2 No.

3 MR. BRISON TO MR. TODD

4 All right.

5 MR. TODD TO JUDGE

6 I think at this time Your Honor --

7 MR. BRISON TO JUDGE

8 I think at this time --

9 MR. TODD TO JUDGE

10 -- that's, that's it for the respondent at this time, Your
11 Honor.

12 JUDGE TO MR. TODD

13 That's all the questions?

14 MR. TODD TO JUDGE

15 And attorney request, could I -- could we take a quick
16 break?

17 JUDGE TO MR. TODD

18 You can take a break.

19 MR. TODD TO JUDGE

20 And I --

21 JUDGE TO MR. TODD

22 That's fine.

23 MR. TODD TO JUDGE

24 -- I liked go track down --

25 JUDGE TO MR. TODD

1 You can. Let's go off the record.

2 MR. TODD TO JUDGE

3 Yeah.

4 JUDGE TO MR. TODD

5 See if you can track down the son.

6 JUDGE FOR THE RECORD

7 Off the record.

8 (OFF THE RECORD)

9 (ON THE RECORD)

10 JUDGE FOR THE RECORD

11 Back on the record.

12 JUDGE TO MS. FALLONE

13 Cross-examination by the Government? Okay.

14 MS. FALLONE TO JUDGE

15 Thank you, Your Honor.

16 MS. FALLONE TO MS. BIOCINI

17 Q. Ma'am, the first -- I just want to first start out by
18 talking about your family members who still live in Colombia
19 right now.

20 A. Yeah.

21 Q. Who -- I know that your, your father passed away. Is
22 that correct?

23 A. Yeah.

24 Q. And your mom's still alive.

25 A. Yes. No, no, mom is not alive.

1 Q. Your mother has died.
2 A. She deceased last year, too --
3 Q. Okay. And where did she --
4 A. -- you know.
5 Q. -- live?
6 A. In Cali.
7 Q. Okay. And does your family own property in Colombia?
8 A. They, they own a house.
9 Q. Okay. And who, who owns that house now?
10 A. Now the -- my brother, my brother Philippe stay in that
11 house.
12 Q. Okay. Now how many siblings do you have? You have, I
13 think it's eight. Is that correct?
14 A. I have two sisters now, because one is deceased, too --
15 Q. Okay.
16 A. -- and four brothers.
17 Q. Okay. And where do they live?
18 A. Pardon?
19 Q. Where do they live?
20 A. I -- okay. My brother Rafael (phonetic sp.) is the --
21 he lives in Bogotá, and Diego lives in Bogotá, and my sister
22 Patricia, she lives in Cali, my sister Patricia, she lives in
23 Cali. Let's see, Philippe lives in, in, in the house of the --
24 you know, in Cali, too.
25 Q. Your mom's house.

1 A. Uh-huh.

2 Q. Okay.

3 A. And let me see, who else. And the others, two, they
4 live here.

5 Q. Okay. Two siblings live in the U.S..

6 A. Um-hum.

7 Q. Do they have any Immigration status?

8 A. Yeah.

9 Q. What is their status?

10 A. Permanent resident.

11 Q. Okay. And who are the two that live in the U.S.?

12 A. Pardon?

13 Q. Who are the two? What are their names? The two
14 siblings that live here.

15 A. Hernan Haramejo (phonetic sp.).

16 Q. Okay.

17 A. And Clemencia (phonetic sp.).

18 Q. Okay.

19 JUDGE TO MS. FALLONE

20 Let me stop you for one second.

21 JUDGE TO MS. BIOCINI

22 Q. You said your mother died last year.

23 A. Yeah.

24 Q. What did she die of?

25 A. Oh, she die for as a surgery, but the surgery, he was

1 bleeding after the surgery.

2 Q. Okay, ma'am.

3 A. And, and also I heard the other -- my sister die four,
4 four months after.

5 MS. FALLONE TO JUDGE

6 Okay.

7 JUDGE TO MS. BIOCINI

8 Q. What did she die from?

9 A. She die because she was, she, she smoke a lot.

10 Q. Cancer?

11 A. Yeah.

12 JUDGE TO MS. FALLONE

13 Go ahead, Ms. Fallone.

14 MS. FALLONE TO JUDGE

15 Okay.

16 MS. FALLONE TO MS. BIOCINI

17 Q. So both of -- your mother and sister died for, for
18 health reasons. Is that correct?

19 A. Yeah.

20 Q. Okay. Now after you came to the United States, back in
21 the '80's, did you ever return to Colombia?

22 A. In the '80's? Yes, when I get my permanent resident.

23 Q. Okay. Which was in '89 you became a permanent
24 resident.

25 A. Yeah. '89.

1 JUDGE TO MS. FALLONE

2 So hold on, hold on one second, because that's in her
3 declaration.

4 JUDGE FOR THE RECORD

5 Three times since 1981, December of 1989, August of 1991 and
6 January of 1992 she said. Three trips.

7 MS. FALLONE TO JUDGE

8 Okay.

9 MS. FALLONE TO MS. BIOCINI

10 Q. So those, 1989, '91 and '92 were three trips to
11 Colombia.

12 A. Uh-huh.

13 Q. During any of those trips, did you ever meet with
14 anyone in any of the drug cartels in Colombia?

15 A. No.

16 Q. Were those -- were the purpose of those trips to visit
17 family or to do business?

18 A. Family and family and see doctors, and see some doctors
19 there. I, I also I had some -- I do not have it right now, but
20 had in, in my papers I had receipts from the doctors, you know --

21 Q. Okay.

22 A. -- that indicate that I was seeing them.

23 Q. Okay. So when you went back to Colombia, did you ever
24 talk to anyone about drugs or transporting drugs or selling
25 drugs?

1 A. No.

2 Q. Okay. You never had any meetings with anyone. Okay.
3 Have you or any of your family members ever had any direct
4 contact with anyone in the, the government in Colombia?

5 A. Pardon?

6 Q. Has any government ever contacted you or any of your
7 family members in Colombia?

8 A. Government?

9 Q. Yes.

10 A. I had an uncle that is very much involved in the
11 politics --

12 Q. Okay.

13 A. -- down there.

14 Q. I guess what I'm getting at is has, has the government
15 contacted you or any of your family members regarding your
16 involvement in drug trafficking?

17 A. No.

18 Q. Has anyone in any drug cartel ever contacted you or any
19 of your family members regarding your drug trafficking?

20 A. When --

21 Q. Ever?

22 A. I, I have friends that were involved in some point.

23 Q. But has anyone in any of these --

24 A. After, after what -- well, when? Anytime?

25 Q. After -- either after or before you were convicted in

1 the U.S., has anyone who's a member of any of these drug
2 organizations ever -- any -- contacted any of your family
3 members?

4 A. No.

5 Q. Have your family members ever been threatened by anyone
6 in Colombia?

7 A. No. I mean, no, no.

8 Q. Okay. And besides your son, do you have any other
9 children anywhere else in the world?

10 A. No.

11 Q. Okay. Were you ever an active informant for the
12 Federal Government? Meaning actually contact people and setup
13 drug buys for the Government.

14 A. Say that in -- active in a setup operation, you mean?

15 Q. In -- what I mean is for the, for the U.S. Federal
16 Government, did you go and under their surveillance buy drugs for
17 the Government?

18 A. I was in, in one occasion I, I trying to, to help agent
19 Christy (phonetic sp.) to make a setup for a man that they say in
20 Mill Valley. And, you know, EDES is -- means active, you know,
21 so --

22 Q. Did you ever go and buy drugs?

23 A. Buy, buy drugs? No. No --

24 Q. For the Government.

25 A. -- no.

1 Q. Or sell drugs for the Federal Government?

2 A. No, no.

3 Q. Okay.

4 A. No, no, I didn't.

5 JUDGE TO MS. BIOCINI

6 Q. But that was the man you stayed outside of his house
7 for four hours you said --

8 A. Yes. Uh-huh.

9 Q. -- but he never showed up.

10 A. Yeah.

11 MR. BRISON TO JUDGE

12 Judge, outside of a restaurant, Judge.

13 JUDGE TO MR. BRISON

14 Restaurant.

15 JUDGE TO MS. BIOCINI

16 Q. Restaurant.

17 A. Yeah.

18 Q. Yeah.

19 MR. BRISON TO JUDGE

20 Not the house.

21 JUDGE TO MR. BRISON

22 Right.

23 MR. BRISON JUDGE

24 Not the house.

25 JUDGE TO MR. BRISON

1 Right. Okay. Okay.

2 MS. FALLONE TO MS. BIOCINI

3 Q. And did you ever testify in Court against anyone else?
4 In front of the Court and testify.

5 A. No, but there is -- one of the codefendants that I was
6 going to testify and he knows that I was going to testify against
7 him.

8 Q. Is that Mr. Dwarta?

9 A. Yes, he is.

10 Q. Now Mr. Dwarta was already convicted and already
11 sentenced and already released. Correct?

12 A. I believe so.

13 Q. And is he a United States citizen?

14 A. I believe so.

15 Q. And he's not from Colombia. Correct?

16 A. No.

17 Q. He's never even been to Colombia to your knowledge.

18 A. I, I don't know, I don't know really very much about
19 the life of this man. No, I don't know the --

20 Q. And he was someone who was, who was buying drugs from
21 you. Correct?

22 A. I never sell for him. He trying, he was calling me --

23 Q. Okay.

24 A. -- to get some drugs. But I never paid much -- or
25 likes him.

1 Q. Okay. And you don't know anything about Mr. Dwarta or
2 whether or not he has any connections to any Colombian drug
3 cartels.

4 A. I hear that he knows the Greek.

5 Q. Okay. And Mr. Karpinski (phonetic sp.) is another
6 person, was one of your codefendants, he's already been
7 sentenced, served his time and released. Correct?

8 A. I, I don't know. I don't know.

9 Q. And as far as you know, is he a United States citizen,
10 too?

11 A. I believe that he, he is.

12 Q. Okay. And what about Mr. Christopher Mitchna (phonetic
13 sp.)?

14 A. I don't know. I've never -- I never -- I don't know
15 them but I just met them in the day of the arrest, I never met
16 this -- them in my life --

17 Q. Okay. So --

18 A. -- before.

19 Q. -- you don't know what -- who --

20 A. I don't know what --

21 Q. -- is connected. Okay.

22 A. I don't know nothing about them.

23 Q. Okay. Do you know where the Greek is now?

24 A. No. I don't know. I, and I asked is I listen, what is
25 it, what happened, what do you find out about the Greek. This --

1 they, they didn't tell me nothing. But I constantly when in my
2 meetings I ask them what -- do you -- what was going on with the
3 Greek. Is he there, arrested or what? And they, they never
4 answered that. I don't know what if he is.

5 Q. Now from 1995 until 2004, you were convicted but not
6 serving jail time yet for this crime. Correct?

7 A. Yeah. It was -- yes. That's correct.

8 Q. So for that eight or nine years you were living in, in
9 California:

10 A. Yeah.

11 Q. At the same address?

12 A. Yes, I believe -- no, not the same address but I was
13 living in Redwood City, and then Guillermo -- George protect me,
14 my, my exhusband protect me very much and help me through all
15 these, these process. So we move to another house in Redwood
16 City.

17 Q. Okay.

18 A. But Redwood City with my son. I was living with my
19 son.

20 Q. Okay. And did you ever have anyone ever approach you
21 in -- from any of these drug cartels during that time period, '95
22 to 2004?

23 A. No. No, no, because I don't have any -- I put my life
24 in another direction, I don't go and -- I, I am, you know, how do
25 you say, I, I don't contact people and I -- my, my, my -- I

1 already turn my life in different way.

2 Q. So you had no involvement in any of the drug
3 trafficking business from 1995 to 2004.

4 MR. TODD TO JUDGE

5 If I may interrupt? And it's not quite an objection, just a
6 clarification. Conviction was in '98, the arrest was in '95.
7 And that was the -- I've heard testimony about the active, her
8 working with the FBI. So that --

9 MS. BIOCINI TO MR. TODD

10 No.

11 MR. TODD TO JUDGE

12 -- did take --

13 MS. BIOCINI TO MR. TODD

14 No.

15 MR. TODD TO JUDGE

16 -- place in '95.

17 MS. BIOCINI TO JUDGE

18 Also --

19 MS. FALLONE TO MS. BIOCINI

20 Q. Just to --

21 JUDGE TO MR. TODD

22 Well, '98 --

23 MS. FALLONE TO MS. BIOCINI

24 Q. -- just to clarify. '98 was --

25 MR. TODD TO JUDGE

1 '98 --

2 MS. FALLONE TO MS. BIOCINI

3 Q. -- the --

4 A. Yeah.

5 Q. -- the conviction.

6 JUDGE TO MS. FALLONE

7 (indiscernible) --

8 MS. FALLONE TO JUDGE

9 Okay.

10 JUDGE TO MS. FALLONE

11 -- (indiscernible) questions about.

12 MS. FALLONE TO MS. BIOCINI

13 Q. So the arrest in '95.

14 A. Yeah.

15 Q. So 2004. Did you have any contact with anyone who was
16 either a drug dealer or a drug trafficker?

17 A. No.

18 Q. Now you gave --

19 A. I was too scared to, to. I was scared.

20 Q. And you gave information to the Government during that
21 time period. Correct?

22 A. Yeah.

23 Q. Okay. And during that time period, all of your
24 codefendants were sentenced and convicted.

25 A. Yeah.

1 Q. Were there any repercussions ever for you giving
2 information to the Government? Did anyone ever approach you or
3 did you ever get -- receive any --

4 A. No.

5 Q. -- threats?

6 A. No.

7 Q. Did you -- what, what specific group are you afraid of
8 in Colombia?

9 A. The -- a specific group? The, the people involved in
10 drugs.

11 Q. Okay. Is that -- can you specify anything more
12 specific than just people involved in drugs?

13 A. The, the people who kill Gordo, and --

14 Q. Okay. Do you know who killed Gordo?

15 A. No, I don't, I don't know exactly who to call them.

16 Q. Okay. Do you know when Gordo went back to Colombia?

17 (TAPE 2)

18 JUDGE TO MS. BIOCINI

19 Q. We were saying the date Gordo went back.

20 A. Yeah. (indiscernible). Sometime after 2001, I don't
21 know, it was -- but I am -- I know was in -- when I call
22 Christmastime to, to, you know, to say hello to my family, that
23 I -- that Gordo was, was in town. I don't know what specific
24 year, 2002, 2001, I, I don't know.

25 MS. FALLONE TO MS. BIOCINI

1 Q. So he was back in Colombia several years before he was
2 killed. Is that correct? In --

3 A. Yeah. I believe so.

4 Q. Okay. What -- it says in the article that he was a
5 real estate agent. What is that? Is that someone who sells real
6 estate?

7 JUDGE TO MS. FALLONE

8 If you know.

9 MS. FALLONE TO MS. BIOCINI

10 Q. If you know.

11 A. I don't know. But he trying to sell me those real
12 estate properties. I don't know, this man, what, what he was
13 really about if he was real estate. You know, if he must, he
14 must have sold some real estate going on, I, really, I, I don't
15 know.

16 Q. Okay. And in the news article it says quote, as to
17 possible motives of the crime, at the moment, these remain a
18 mystery. So at the date of this article, in 2004, there was no
19 information connecting him in this news article to any type of
20 drug cartel. Is that correct?

21 A. Yeah. But --

22 Q. Is your -- do you have any information about Gordo's
23 murder besides this news article?

24 A. I tried to get some information, but my sister is very
25 scared to getting into that, you know, into that search, because

1 in Colombia it's very difficult. You don't know if the -- who
2 has filtered in the police. You know, it's, it's really
3 difficult. It's a very difficult environment there to, you know,
4 it's a lot of corruption, of course, I, I can believe.

5 Q. So your statement that he was killed by someone in the
6 drug trafficking business is something -- is your opinion. Is
7 that correct?

8 A. It's, it's everybody's opinion, because Bonito Lopez
9 told me also the same, and, and Eliana Barcarta tell me, you
10 know, that was the, you know, that he was, you know, everybody
11 believes that he was killed by, by some people from the cartel.
12 So, it's, it's everybody's opinion, it's not only my opinion.

13 Q. And is Bonito in Colombia?

14 A. He is in Colombia.

15 Q. And is he also someone who's involved in the drug
16 trafficking business?

17 A. No. No. He is a user, he is a user. He was my
18 boyfriend for, for many years when I was in Colombia.

19 Q. Okay.

20 A. He, he was a popular man in town, you know, always
21 party and, you know. I guess --

22 Q. Okay. And do you where Felix Bernal is now?

23 A. I, I, I don't know. And, and, you know, I, as soon
24 as -- after I arrest, I, I, I disappear and, and everybody
25 disappeared, so I assume that he, he, he was in, in, how you say,

1 in deportation proceedings. I don't know here is the guard, the
2 investigator. But I really I don't know because I trying to, to
3 be away from this. It really hurt me so bad, you know, my arrest
4 change my life completely.

5 Q. Okay. When, when you were a drug trafficker, where did
6 you get the drugs, specifically, from?

7 A. Well, in the occasions -- wait. I was supplying
8 somebody in December, was coming from Kanaho (phonetic sp.).

9 Q. Coming from who?

10 A. Kanaho, somebody who that -- the name by Corkay Maria
11 Mesa (phonetic sp.).

12 Q. Okay.

13 A. And he was, he, he was the man.

14 Q. Okay. And where is he now?

15 A. He's in Colombia.

16 Q. Okay. What does he -- do you know where he is or what
17 he's doing? Do you know --

18 A. No.

19 Q. -- any information --

20 A. And --

21 Q. -- about him?

22 A. -- even when I arrest, even I, I don't contact him at
23 all, and disappear.

24 Q. He hasn't even --

25 A. I don't --

1 Q. -- tried to contact you at all.

2 A. No, no. I don't, I, I don't want to, you know, I don't
3 even -- I don't know if he, he knows exactly what happened to me,
4 I just don't call him every month, never.

5 Q. So if you didn't provide any information about --
6 leading to the arrest or conviction of anyone from Colombia, why
7 are you afraid to return there?

8 A. Pardon?

9 Q. If you didn't provide any information about -- strike
10 that. If you didn't provide any information --

11 A. No, I --

12 Q. -- leading --

13 A. -- don't --

14 Q. -- to the arrests or conviction of anyone from
15 Colombia, what makes you afraid to return?

16 A. Because they're -- they were persons that I know I was
17 arrested, and, and they can -- they also were telling people that
18 I was, I was cooperating with the Government. Not exactly me,
19 but you know, yes, and other people know about my arrest and of
20 my, my cooperation. That is way.

21 Q. But who, specifically, are you afraid of? Is there a
22 specific person?

23 A. Oh, oh, oh the people that was, that was telling,
24 around 40 people in, in the, you know, to the Government that
25 (indiscernible), you know, everything that, that I know about

1 them. And I, I am so, so scared about the people who kill Gordo,
2 because Gordo was the act also to tell many things, also about,
3 about me.

4 Q. Okay. The 40 people, are they in Colombia or in the
5 United States?

6 A. In Colombia.

7 Q. Can you name any names of the specific person
8 (indiscernible) --

9 A. Herman Bejadus (phonetic sp.), Herman Bejadus also was
10 I -- knowing -- Herman Bejadus know Gordo. And I believe they
11 were, they, they were involved in the same, same organization.
12 I, I, I don't know, you know, they, they cannot tell you exactly,
13 you know.

14 Q. And what's the name of the organization?

15 A. I don't know the name of the organization. Then, but
16 you know, if they say, say cartel, you know, those cartels that
17 are there somewhere.

18 Q. You don't know the name of the cartel, though.

19 A. They both are from Cali, so might be the Cali cartel.

20 Q. Okay.

21 A. And he was arrested after my debrief, too, Herman
22 Bejadus, he was arrest after my debrief. So --

23 Q. Arrested --

24 A. -- you know --

25 Q. -- where? In the United States? Or in --

1 A. Yeah. New York.

2 Q. Okay. And is he -- do you know if he's still in New
3 York or is back in --

4 A. No. He, he, well, he's back in Colombia. And he's a
5 friend of, he's a friend -- was a friend of Gordo, too.

6 Q. And did Gordo ever tell you he was connect with the
7 Cali cartel?

8 A. He always tell, tell he has some connections there
9 that, you know.

10 Q. Now he was the main person who informed on you.

11 A. Yeah.

12 Q. Was he ever sentenced or was he ever arrested or
13 charged with a crime in the United States?

14 A. Pardon?

15 Q. Was he ever arrested or charged with a crime in the
16 U.S.? Gordo.

17 A. Before?

18 Q. Ever.

19 A. Gordo, I believe also the -- that people thought that
20 he was arrested before he came here in, in that time.

21 Q. Okay. Was he ever arrested in the United States?

22 A. In the United States.

23 Q. He was.

24 A. Yeah.

25 Q. Do you what for?

1 A. For, for drug, I believe, importation drugs.

2 Q. And it's your information that he -- you believe he was
3 deported back to Colombia.

4 A. I believe.

5 Q. And who else in your -- do you have information about
6 being deported back to Colombia?

7 JUDGE TO MS. FALLONE

8 I'm sorry?

9 MS. FALLONE TO JUDGE

10 She has information about other people deported back to
11 Colombia.

12 JUDGE TO MS. FALLONE

13 Well, like who?

14 MS. FALLONE TO JUDGE

15 That's what I'm asking. Who?

16 JUDGE TO MS. FALLONE

17 Well --

18 MS. FALLONE TO JUDGE

19 She named Gordo was deported, and then he named --

20 MS. FALLONE TO MS. BIOCINI

21 Q. You said there were several other individuals who were
22 deported back to Colombia that you knew of.

23 A. The Herman Bejadus.

24 Q. Okay. Is that the only one?

25 A. Yes. I mean --

1 Q. Okay. And do you know if he's still alive?

2 A. What I, I hear at that time, hear that, you know, that
3 he was alive, and that, you know --

4 Q. Anyone else involved in drug trafficking that you
5 know --

6 A. But I don't --

7 Q. -- that was --

8 A. -- know if he --

9 Q. -- deported?

10 A. -- cooperate with the Government or not.

11 Q. Okay. Is there anyone else you know who was involved
12 drug trafficking that was deported back to Colombia?

13 A. No. Oh, the Kanaho, Kanaho, the guy in, you know, in
14 long time ago back in the '86, or, you know, I, I told, told you
15 that he was deported in Colombia back in 1993, that is when I
16 contact him.

17 Q. Okay. Well, is he still alive, to your knowledge?

18 A. Huh?

19 Q. Is he still alive to your knowledge?

20 JUDGE TO MS. FALLONE

21 She doesn't --

22 MS. BIOCINI TO MS. FALLONE

23 I don't --

24 JUDGE TO MS. FALLONE

25 -- she doesn't know --

1 MS. BIOCINI TO MS. FALLONE

2 -- I don't --

3 JUDGE TO MS. FALLONE

4 -- one way or another if he's still alive.

5 MS. BIOCINI TO JUDGE

6 I don't know. I don't know nothing about him. After my
7 arrest I disappear from, from everybody, because, you know,
8 for -- this has really change my life, Your Honor.

9 MS. FALLONE TO JUDGE

10 Okay. Just one moment, Your Honor. I want to --

11 MS. FALLONE TO MS. BIOCINI

12 Q. Ma'am, have you ever previously been removed from the
13 United States?

14 A. No, no.

15 Q. And besides this crime that you were convicted of for
16 the drug trafficking, have you ever been convicted of any other
17 crimes in the United States?

18 A. No.

19 Q. Have you ever been a part of any political organization
20 either here or in Colombia?

21 A. No. No, I was helping the -- for the campaign, you
22 know, the day of the election, you know, but just for fun.

23 Q. So your fear is based on your connection with giving
24 information to the Government. It's not based on politics. Is
25 that correct?

1 A. Yeah.

2 MS. FALLONE TO JUDGE

3 Your Honor, I have no further questions.

4 JUDGE TO MR. BRISON

5 Redirect, please?

6 MR. TODD TO JUDGE

7 Your Honor, I -- Ms. Fallone mentioned that -- the
8 possibility I believe in cross, (indiscernible) attention next
9 hearing, which you prefer. I don't know that we have much, much
10 redirect. Would you prefer to do that now? Or did you --

11 MS. FALLONE TO JUDGE

12 I mean, I don't -- right now I don't anticipate having any
13 further questions, but I don't know what the -- if the expert's
14 going to bring up something -- I wasn't sure if the expert would
15 bring up anything specific or just generalized country
16 conditions.

17 MR. TODD TO JUDGE

18 It's --

19 JUDGE TO MS. FALLONE

20 Well --

21 MR. TODD TO JUDGE

22 -- it's somewhat generalized.

23 JUDGE TO MR. TODD

24 Somewhat generalized. But she's -- her affidavit says
25 she's -- her paperwork --

1 MR. TODD TO JUDGE

2 (indiscernible) --

3 JUDGE TO MS. FALLONE

4 If you have the declaration --

5 JUDGE TO MR. TODD

6 And so she --

7 MS. FALLONE TO JUDGE

8 Yeah.

9 JUDGE TO MR. TODD

10 -- I think is trying to give an opinion and draw inferences
11 based on what she knows about Colombia and what she learned about
12 the respondent. But still I don't think the expert -- I think
13 she said in her declaration she doesn't know the respondent
14 personally.

15 MR. TODD TO JUDGE

16 Correct.

17 JUDGE TO MR. TODD

18 So she can't say, you know, I know her uncle, or I know her
19 brother --

20 MS. FALLONE TO JUDGE

21 Yeah.

22 JUDGE TO MR. TODD

23 -- and this and that happened.

24 MS. FALLONE TO JUDGE

25 I understand that, Your Honor. It's just, my concern is if

1 she knows any of the individuals mentioned in respondent's
2 testimony and declaration. That's some of the information I
3 don't know --

4 JUDGE TO MS. FALLONE

5 Yeah.

6 MS. FALLONE TO JUDGE

7 -- if we would need to open up testimony again. I don't
8 anticipate --

9 JUDGE TO MS. FALLONE

10 Well --

11 MS. FALLONE TO JUDGE

12 -- needing to --

13 JUDGE TO MS. FALLONE

14 Yeah.

15 MS. FALLONE TO JUDGE

16 -- but I just want to --

17 JUDGE TO MR. TODD

18 Let's --

19 MS. FALLONE TO JUDGE

20 -- make --

21 JUDGE TO MR. TODD

22 -- go ahead --

23 MS. FALLONE TO JUDGE

24 -- the record --

25 JUDGE TO MR. TODD

-- with redirect. If we need to come back, well, then we'll do more rounds. Government and, and respondent.

3 MR. TODD TO JUDGE

4 All right.

5 JUDGE TO MR. TODD

Because, let's do it, because if we don't need to come back
we can finish with her.

8 MR. BRISON TO JUDGE

9 Okay.

10 MR. BRISON TO MR. TODD

11 I just thought (indiscernible) --

12 MR. TODD TO JUDGE

13 Your Honor, could I have --

14 MS. FALLONE TO JUDGE

15 Your Honor, can I have (indiscernible)?

16 MR. TODD TO JUDGE

17 -- (indiscernible) --

18 JUDGE TO RESPONDENT'S REPRESENTATIVES AND MS. FALLONE

19 (indiscernible) --

20 MS. FALLONE TO JUDGE

21 Thank you.

22 JUDGE FOR THE RECORD

23 Off the record.

24 (OFF THE RECORD)

25 (ON THE RECORD)

1 JUDGE FOR THE RECORD

2 Back on the record.

3 JUDGE TO MR. BRISON

4 Any redirect?

5 MS. FALLONE TO JUDGE

6 No --

7 MR. TODD TO JUDGE

8 No, Your Honor.

9 MS. FALLONE TO JUDGE

10 -- no, Your Honor.

11 JUDGE TO MR. TODD AND MS. FALLONE

12 All right. All right.

13 JUDGE TO MS. BIOCINI

14 Q. Well, I told you we're going to talk to the expert.

15 I'm going to set that up --

16 A. Okay.

17 Q. -- fairly soon. And your release date is March. I'm
18 going to make sure we get a decision before your release date, so
19 you'll know what you're doing.

20 JUDGE TO RESPONDENT'S REPRESENTATIVES AND MS. FALLONE

21 And what I'll do is just reach out to you folks, I'll have
22 May, reach out and we'll figure out a date.

23 JUDGE TO MS. FALLONE

24 I guess, Ms. Fallone, you want to stay with this. Or no,
25 you're leaving.

1 MS. FALLONE TO JUDGE

2 I'm gone.

3 MR. TODD TO MS. FALLONE

4 Is that in January?

5 MS. FALLONE TO MR. TODD

6 January 10th.

7 JUDGE TO MS. FALLONE

8 All right. Well, in any event we'll reach to you to
9 schedule a date.

10 MS. FALLONE TO JUDGE

11 I'll make sure --

12 JUDGE TO MS. FALLONE

13 (indiscernible) --

14 MS. FALLONE TO JUDGE

15 -- I get this.

16 JUDGE TO MS. FALLONE

17 One thing you might want to consider, we don't need to talk
18 about this on the record, I just wanted to take -- well, just a
19 suggestion.

20 JUDGE FOR THE RECORD

21 But anyway, for today purposes, hearing's concluded.

22 HEARING ADJOURNED

23

24

25